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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/809,699  
Filing Date: March 15, 2001  
Appellant(s): ANDERL ET AL.

**MAILED**

**JUL 06 2007**

**GROUP 2800**

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Roy W Truelson  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 03 March 2006 appealing from the Office action mailed 14 October 2005 and the in response to the Partial Amended Appeal Brief filed 07 May 2007 from the Notification of Non-Compliant Appeal Brief mailed 16 April 2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The amendment after final rejection filed on 06 December 2005 has not been entered.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

- U.S. Patent 6,556,811 to Sayer et al
- U.S. Patent 6,856,769 to Steffensen et al

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

**Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,556,811 to Sayer et al.**

In regards to claims 1 and 5, Sayer et al discloses a method of cooling a transceiver that is mountable to a wall where air is ventilated through two openings (61, 62) over the major surface portion (5). But Sayer et al fails to specifically disclose mounting one end of the transceiver with a wall opening so that a vent is formed within the confines of the wall opening to allow air to pass. However, Sayer et al does disclose a cover (51) to be placed in a similar fashion as the wall opening. The cover further allowed for a clearance distance to allow air to enter and cool the base of the transceiver. Since both the cover and the wall opening perform the same function, it would have been obvious at the time the invention was made to a person having

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ordinary skill in the art to have placed either a cover or a wall opening in order to form a vent to allow air to pass.

**Claims 2, 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,556,811 to Sayer et al as applied to claim 1 above, and in further view of U.S. Patent 6,856,769 to Steffensen et al.**

In regards to claims 2 and 6, Sayer et al discloses that the transceiver does not interfere with the external radiation. But Sayer et al fails to disclose shielding the transceiver, vent and wall opening from electromagnetic interference. However, Steffensen et al discloses a similar transceiver module that allows for ambient air-cooling surrounded by a shell that electromagnetically shields the transceiver. Since Sayer et al is silent on the details of the transceiver and Steffensen et al discloses a similar module which further details the transceiver, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have a transceiver that is shielded from electromagnetic interference in order to reduce the amount of interference to internal electrical component.

In regards to claim 3, Sayer et al discloses the air vent to partially surround a connector port (71, 72, 73, 74, 75).

#### **(10) Response to Argument**

Applicant traverses the rejection to claims 1-3 and 5-6 by stating Sayers et al discloses a wireless transceiver and not an optical transceiver. Although Sayers et al does disclose a wireless transceiver, the purpose of Applicant's claim is to provide a method to of cooling. Similar to an optical transceiver, a wireless transceiver would require a method of cooling the

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internal components for the same reasons as Applicant's recite in the specification. (See "Background of the Invention" section, pages 1-4 of the Specification)

Applicant further states Sayers et al fails to disclose a "wall opening" in which the transceiver is mounted. However, although Sayers et al does not describe the cover (Figure 5 and 6, Reference numeral 51) to be a wall opening, the cover taught by Sayers et al perform the same function as the wall opening as claimed by Applicant. Referring to Figures 5 and 6, Sayers et al places or mounts at least one end portion (the top portion) into the cover or wall opening. The vents (61 and 62) allows for air to enter the transceiver module and pass through between the transceiver module (5) and the cover (51) and therefore allowing air to pass over the major surface portion of the transceiver.

Applicant further states Sayers et al in combination with Steffensen et al is not a proper combination of reference. The Examiner has relied upon Steffensen et al to teach the additional feature of dependant claims 2 and 6. Applicant argues Sayers et al could not include the step of shielding the transceiver, vent and wall opening from electromagnetic interference because the transceiver disclosed by Sayers et al is a wireless transceiver. However, the Examiner does not rely upon Sayers et al for this purpose. The Examiner has relied upon Sayers et al for the purpose of showing a method of cooling a transceiver as claimed in independent claims 1 and 5. The Examiner does however rely upon Steffensen et al to show the shielding of electromagnetic interference in an optical transceiver. After applying the method of cooling a wireless transceiver to an optical transceiver as claimed by Applicant, Steffensen et al further teaches one skilled in the art to additionally include the shielding of electromagnetic interference for the same purpose as Applicant.

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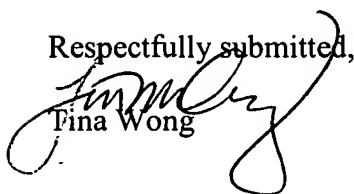
Lastly, Applicant argues the mounting of the optical transceiver into a wall opening performs a specific function. This function could be for example to connect to other optical fiber connectors located in a wall. However, this argument does not reflect the claim language. Applicant has not claimed the purpose of the wall opening or that the wall opening performs a specific function. Applicant has only claimed there is a "wall opening" for a transceiver to be inserted in.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

  
Tina Wong

Conferees:

Rodney Bovernick



Georgia Epps



21 June 2007